

08-28-03

#3

DAC \$

**In The United States Patent and Trademark Office**

Serial Number: 09/808,659

Examiner:

Applicants: Jia ZHANG, Kai LI

Group Art Unit:

Filing Date: 03/14/2001

Atty's Docket No.: USP1460A-JZ2

Title: Method for High throughput Assay of Genetic Analysis

Date: August 27, 2003**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137 (b)**

MS Petition, Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450.

Sir:

After having a conversation with Mr. Mark Polutta of the USPTO, the applicant discovers that the application is abandoned and the reason is that the applicant has never received the original Notice to File Corrected Application Papers.

After searching of the file jacket and docket records, the patent practitioner respectfully states that the Notice to File Corrected Application Papers was not received along with the Filing Receipt dated 05/08/2001. A copy of the Notice to File Corrected Application Papers has finally been received on 08/18/2003, faxed by Mr. Polutta (Fax Number: 703-305-1013). For reference a copy of the docket record where the non-received office communication would have been entered had it been received and docketed is attached herewith as follows:

1. Duplicate of the filed application dated: 03/14/2001.
2. Duplicate of the US Postal Service Receipt for Express mail and the returned postcard.
3. Duplicate of the Petition for Voluntary Early Publication of Patent Application under Section 1.219 dated: 04/20/2001.
4. Duplicate of the US Postal Service Receipt for Certified Mail and the returned postcard.
5. Duplicate of the Filing Receipt Date 05/08/2001.
6. Duplicate of the Request for Status dated: 06/17/2003.
7. Duplicate of the returned postcard.
8. Duplicate of the Notice to File Corrected Application Papers dated: 05/08/2001 but received by fax only on 08/18/2003 (as shown on the top left hand corner of the Notice).

No Office communication was received after the Notice to File Corrected Application Papers received on 08/18/2003 by fax. Accordingly, a petition to revive the application for patent abandoned unintentionally (under 37 CFR 1.137 (b)) is requested.

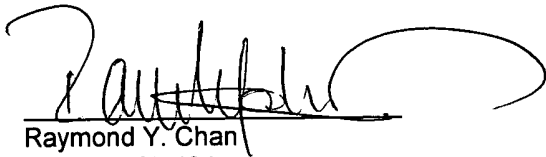
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AUG 29 2003

OFFICE OF PETITIONS

Therefore, a petition for revival of an application for patent abandoned unintentionally under 37 CFR 1.137(b) is filed herewith, wherein the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. Please accept these documents and payments to the petition and revive the application. Thank you very much for your assistance.

Respectfully submitted,



Raymond Y. Chan
Reg. Nr.: 37,484
108 N. Ynez Ave., #128,
Monterey Park, CA 91754
Tel.: (626) 571-9812
Fax. (626) 571-9813

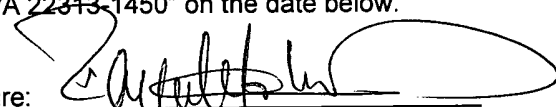
Certification of Mailing

Express Mail: EV 327529395 US

Mailed: 08/27/2003

I certify that this correspondence will be deposited with the United States Postal Service as express mail with proper postage affixed in an envelope addressed to: "MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on the date below.

Date: August 27, 2003



Signature: _____
Person Signing: Raymond Y. Chan



PTO/SB/64 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

USP1460A-JZ2

First named inventor: Jia ZHANG

Application No.: 09/808,659

Art Unit:

Filed: 03/14/2001

Examiner:

Title: Method for High Throughput Assay of Genetic Analysis

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the
expiration date of the period set for reply in the Office notice or action plus an extensions of time
actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee☒ Small entity-fee \$ 650.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))**2. Reply and/or fee****A. The reply and/or fee to the above-noted Office action in**the form of corrected application papers (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

August 27, 2003
Date


Signature

Telephone
Number: 626-571-9812

Raymond Y. Chan

Typed or printed name

108 N. Ynez Ave., #128,

Address

Monterey Park, CA 91754.

Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

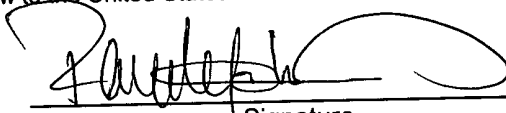
CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

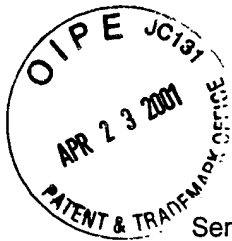
☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

August 27, 2003
Date


Signature

Raymond Y. Chan

Type or printed name of person signing certificate



0280 \$
0300

In The United States Patent and Trademark Office

Serial Number: 09/808,659

Examiner: n/a

Applicants: Jia ZHANG

Group Art Unit: N/A

Filing Date: 03/14/2000

Title: Method for High Throughput Assay of Genetic Analysis

Date: April 19, 2001

**Petition for Voluntary Early Publication of Patent Application
Under Section 1.219**

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

The applicant respectfully request for Early Publication of the above patent application as set forth Under Section 1.219 and submit herewith a check in the amount of US\$300.00 to pay for the publication fee as set forth in Section 1.18(d).

Please accept this request and the fees thereof and published the application as soon as possible. Thank you very much for your assistance.

Respectfully submitted,

Raymond Y. C. Chan

Reg. Nr.: 37,484

c/o 1050 Oakdale Lane,
Arcadia, CA 91006

Tel.: (626)571-9812

Fax: (626)571-9813

Certification of Mailing

I certify that this correspondence will be deposited with the United States Postal Service as First Class (Priority) mail with proper postage affixed in an envelope addressed to: "Commissioner of Patents and Trademarks, Washington, DC 20231," on the date below.

Mail Date: 04/30/2001

Signature: _____
Person Signing: Raymond Y. Chan

04/25/2001 BNGUYEN1 00000067 09808659

01 FC:196

300.00 OP



In the United States Patent and Trademark Office

Commissioner of Patents and Trademarks
Washington, District of Columbia 20231

Mailed: March 14, 2001
Attorney Docket: USP1460A-JZ

Sir:

Please file the following enclosed patent application papers:

Applicant #1, Name: Jia ZHANG

Applicant #2, Name: Kai LI

Title: Method for High Throughput Assay of Genetic Analysis

☒ Specification, Claims, and Abstract: Nr. Of Sheets 16

☒ Declaration: Date Signed: March 14, 2001

☒ Drawing(s): Nr. Of Sheets Enc.: (In Triplicate): Formal: 3 Informal: _____

☒ The applicant claims small entity status. See 37 CFR 1.27

☐ Assignment; please record and return; recordal fee enclosed.

☒ Check for \$ 373.00 for:

☒ \$ 373.00 for filing fee (not more than three independent claims and twenty-two total claims are presented).

☐ \$ _____ Additional of Assignment is enclosed for recordal.

Very respectfully,

Signature
Raymond Y. C. Chan
Reg. Nr. : 37,484

1050 Oakdale Lane,
Arcadia, CA 91006

Certificate of Mailing

Express Mail: EL745709160 US

I hereby certify that this paper or fee is being deposited with the United States Postal Service using "Express Mail Post Office To Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to "Commissioner of Patents and Trademarks, Washington, DC 20231".

Signature:

Date: 03/14/2001

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In The United States Patent and Trademark Office

Serial Number: 09/808,659

Examiner: n/a

Applicants: Jia Zhang

Group Art Unit: 1645

Filing Date: 03/14/2001

Title: Method for High Throughput Assay of Genetic Analysis

Date: June 16, 2003

Request for Status

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The applicant respectfully request for the current status of the captioned application because no Office Action or Notice of Allowance has been received for more than 26 months from the filing date. Thank you for your assistance.

Respectfully submitted,

Raymond Y. Chan
Reg. Nr.: 37,484
108 N. Ynez Ave., Suite 128
Monterey Park, CA 91754
Tel.: (626) 571-9812
Fax.: (626) 571-9813

Certification of Mailing

I certify that this correspondence will be deposited with the United States Postal Service as first class mail with proper postage affixed in an envelope addressed to: "Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on the date below.

Date: June 17, 2003

Signature:
Person Signing: Raymond Y. Chan

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USP1460A-JZ2

THE FOLLOWING ARE RECEIVED TODAY:

RE.: Request for Status of Application
APPLICANT: Jia Zhang
TITLE: Method for High Throughput Assay of Genetic Analysis
SERIAL NO. : 09/808,659
FILING DATE: 03/14/2001
EXAMINER: n/a
GROUP ART UNIT: 1645

USP1460A-JZ2

THE FOLLOWING ARE RECEIVED TODAY:

RE.: Request for Status of Application
APPLICANT: Jia Zhang
TITLE: Method for High Throughput Assay of Genetic Analysis
SERIAL NO. : 09/808,659
FILING DATE: 03/14/2001
EXAMINER: n/a
GROUP ART UNIT: 1645

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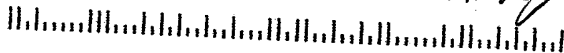


DAVID & RAYMOND PATENT GROUP
108 N. YNEZ AVE., STE. 128
MONTEREY PARK, CA 91754

ENTERED
JUL 03 2003

JUN 30 2003

Andy



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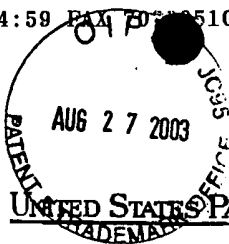
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626 571-9813

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/808,659	03/14/2001	Jia Zhang	USP1460A-JZ

CONFIRMATION NO. 4920

FORMALITIES LETTER



OC000000006050939

Raymond Y. Chan
1050 Oakdale Lane
Arcadia, CA 91754

Date Mailed: 05/08/2001

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a)

The required item(s) identified below must be timely submitted to avoid abandonment:

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- The Claim(s) commencing on a separate sheet (37 CFR 1.75(h)).
- A substitute specification in compliance with 37 CFR 1.52 because:
 - Line spacing on the specification, claims, or abstract is not 1-1/2 or double spaced (See 37 CFR 1.52(b)).

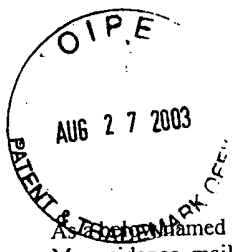
*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 1 - ATTORNEY/APPLICANT COPY

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AUG 29 2003

OFFICE OF PETITIONS

Attorney/Docket No: **USP1460A-JZ**#H
DECLARATION FOR UTILITY PATENT APPLICATION

As the named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

Method for High Throughput Assay of Genetic Analysis

the specification of which is attached hereto unless the following box is checked:

☐ was filed on _____ as United States Application Number or PCT International Application Number _____ and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 USC 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking box, any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)

Priority Claimed	Certified Copy Attached
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

☐ Additional foreign application numbers are listed on a supplemental priority data sheet attached hereto.

I hereby claimed the benefit under 35 USC 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (Day/Month/Year)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet attached hereto.
_____	_____	
_____	_____	

I hereby appoint the following attorney(s) and/or agent(s), with full powers of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Raymond Yat Chan, Reg. No. 37,484Address all correspondence to: **1050 Oakdale Lane, Arcadia, CA 91006-2222, U.S.A.**Telephone Calls to: **(626) 571-9812**Facsimile Calls to: **(626) 571-9813**

I hereby declare that all Statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor (given name, family name) Jia ZhangInventor's signature Date March 14 2001
Residence 1375 Valeview Ave., Glendora, CA 91740 Citizenship Canadian
Mailing Address Same as aboveFull name of second joint inventor, if any (given name, family name) Kai LiSecond Inventor's signature Date March 14, 2001
Residence 1375 Valeview Ave., Glendora, CA 91740 Citizenship Canadian
Mailing Address Same as above☐ Additional inventors are being named on separately numbered sheets attached hereto.**RECEIVED****AUG 29 2003**

Applicant or Patentee: _____ Attorney's
Serial or Patent No.: _____ Docket No.: USP1460A-JZ
Filed or Issued: _____
For: _____

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9 (f) and 1.27 (b)) – INDEPENDENT INVENTOR**

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9 (c) for purposes of paying reduced fees under section 41 (a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled:
Method for High Throughput Assay of Genetic Analysis described in:

- ☒ the specification filed herewith
☐ application serial no. _____, filed _____
☐ patent no. _____, issued _____

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9 (c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9 (d) or a non profit organization under 37 CFR 1.9 (e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☒ no such person, concern, or organization
☐ person, concern or organizations listed below*

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

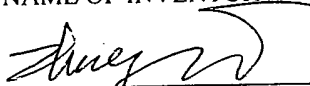
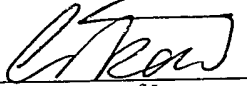
FULL NAME _____
ADDRESS _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME _____
ADDRESS _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME _____
ADDRESS _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28 (b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statements is directed.

Jia Zhang	Kai Li	
NAME OF INVENTOR	NAME OF INVENTOR	NAME OF INVENTOR
		
Signature of Inventor	Signature of Inventor	Signature of Inventor
Mar 14 2001	Mar 14, 2001	
Date	Date	Date